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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alex Bellehumeur	)	
	)	<b>REISSUE LITIGATION</b>
Filing Date: January 24, 2002	)	
	)	Group Art Unit: 3711
Reissue Application Serial No.: 10/057,671	)	Examiner: Raleigh Chiu
	)	
Title: PUCK FOR USE ON A	)	
NON-ICE SURFACE	)	August 8, 2002

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

**DECLARATION OF EDGAR W. AVERILL, JR.**

I, Edgar W. Averill, Jr. declare as follows:

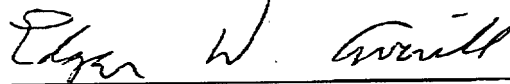
That I am the attorney for the above-identified reissue application and make this declaration according to my own knowledge and belief.

I have reviewed the patent application files relating to the application which resulted in the issuance of U.S. Patent No. 5,597,161 and my time records. After a review of such matters, it is my belief that I first became aware of an error in the terminal disclaimer after reading a motion for summary judgment signed on October 24, 2001, by Emma L. Forest, Attorney for defendants, Carl Lekavich and Ideal Design Sports, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 9th day of August, 2002, at Whittier, California.



EDGAR W. AVERILL, JR.

Reg. #24,752

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